

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS**

<b>INES McGILLIVRAY,</b>	)	
<b>Plaintiff</b>	)	
	)	
<b>V.</b>	)	<b>CIVIL ACTION</b>
<b>NO.</b>	)	<b>05-11826-</b>
<b>MLW</b>		
<b>CIGNA GROUP INSURANCE and</b>	)	
<b>LIFE INSURANCE COMPANY</b>	)	
<b>OF NORTH AMERICA,</b>	)	
<b>Defendants</b>	)	
	)	

**PLAINTIFF'S STATEMENT OF NEED FOR DISCOVERY  
TO SUPPLEMENT THE RECORD FOR JUDICIAL REVIEW**

Now comes the Plaintiff pursuant to the Joint Statement Regarding Pretrial Matters, and respectfully requests that she be allowed to conduct discovery to supplement the Record for Judicial Review.

Specifically, the Plaintiff seeks the following:

1) To depose Dr. C. Garner, M.D., of the Addiction Recovery Program at the Faulkner Hospital.

The deceased Paul McGillivray voluntarily placed himself with the Addiction Recovery Program at the Faulkner Hospital. Dr. Garner met with the deceased in connection with the Addiction Recovery Program on the two days prior to the accident in question.

As the Defendants have based their defense of this action on the state of mind of the deceased, stating that the fatal accident was an intentional act, the testimony of Dr. Garner is highly relevant. The records of this treatment is contained within the Record for

Judicial Review at Tab 22.

Moreover, as set forth in the Plaintiff's written appeal letter to the Defendants at Tab 16 of the Record, Mr. McGillivray was under multiple medications and subject to seizures. Dr. Garner's testimony would also be relevant as to the discussion of the medications and their physical and mental effects.

WHEREFORE, Plaintiff requests permission to depose Dr. Garner and to supplement the Record therewith.

Plaintiff,

By her attorney,

/s/Paul R. Chomko  
Paul R. Chomko, Esq.  
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#### CERTIFICATE OF SERVICE

I, Paul Chomko, Esquire, certify that a copy of the foregoing has been served upon Defendant listed below by ECF, postage prepaid, this 16th day of October, 2006.

David B. Crevier, Esq.  
Katherine R. Parsons, Esq.  
Crevier & Ryan, LLP  
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Springfield, MA 01115-5727

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PAUL CHOMKO, ESQUIRE